

In my judgment, this new paradigm renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions.

And when it comes to Guantanamo, Attorney General Gonzales has expressed strong objections to closing the detention facility and moving detainees to the United States.

The New York Times reported on March 22 of this year that Mr. Gates argued to close Guantanamo. But according to administration officials—this is the newspaper only:

Mr. Gates's arguments were rejected after Attorney General Gonzales and some other Government lawyers expressed strong objections to moving detainees to the United States, a stance that was backed by the Office of the Vice President.

And despite the fact that the U.S. Code states "the Foreign Intelligence Surveillance Act shall be the exclusive means" by which electronic surveillance may be conducted, the Attorney General has argued that the language used in the authorization for use of military force implicitly authorized the President to exercise powers, "including the collection of enemy intelligence."

In his prepared testimony from January 2006, he stated:

The Supreme Court confirmed that the expansive language of the resolution—"all necessary and appropriate force"—ensures that the congressional authorization extends to traditional incidents of waging war . . . [and] the use of communications intelligence to prevent enemy attacks is a fundamental and well-accepted incident of military force.

He is thereby saying that Guantanamo is a creature of this and, therefore, legal. I don't agree with that assessment.

I believe each of these legal opinions has had dramatic negative consequences, including negatively impacting America's relationship with most countries abroad.

Finally, and perhaps most disturbing, the Senate has heard testimony from Deputy Attorney General James Comey that calls into question the Attorney General's character and integrity.

Mr. Comey testified about the conversation in the intensive care unit of George Washington University Hospital where he witnessed then-White House Counsel Gonzales "trying to take advantage of a very sick man" to reverse a judgment that the Terrorist Surveillance Program was illegal.

The testimony—his testimony, Comey's testimony—raised questions about actions that are contrary to the ethical standards lawyers are required to uphold.

Mr. Comey's testimony stands in sharp contrast to the statements made by Mr. Gonzales to the Senate about this incident.

In response to Senators' questions on February 6, 2006, the Attorney General left the impression that any reports of disagreement within the administration about the surveillance program were either inaccurate or in reference to some other program or issue.

He said:

There has not been any serious disagreement [about the program] . . . The point I want to make is that, to my knowledge, none of the reservations dealt with the program that we are talking about today.

That was under oath, Mr. President, before us. He didn't tell us about this. He didn't tell us that he went, as White House Counsel, to a critically ill man's intensive care unit bed and tried to reverse a decision that the Acting Attorney General was making. It wasn't until Mr. Comey came forward and told us about it did we know.

What do I conclude? Each of these issues is serious on its own and each would raise serious questions about the qualifications and service of this Attorney General. The Department of Justice is charged with enforcing the law and protecting all Americans' rights and security. The Attorney General must enforce the law without fear or favor to its political ramifications. He must act independently and pursue justice wherever it may lead, and without compromise. He must uphold the highest ethical standards.

Let me quote again from President Lincoln's Attorney General:

[t]he office I hold is not properly political, but strictly legal; and it is my duty, above all other ministers of State, to uphold the law and to resist all encroachments from whatever quarter. . . .

This is what the Attorney General should be. That is why I am going to support the motion to close off debate and support the resolution.

I thank the Chair. I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATIONAL ACT OF 2007—MOTION TO PROCEED.

The PRESIDING OFFICER. Under the previous order, the hour of 3:30 p.m. having passed, the Senate will resume consideration of the motion to proceed to H.R. 6, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 4:30 p.m. shall be equally divided and controlled between the chairman and ranking member of the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that we be allowed to equally divide a full hour, which was our plan this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Some of that time may be yielded back, but I didn't want to cut off anyone who wishes to speak on this issue before we go to a vote.

Mr. President, today we begin consideration of energy legislation in the Senate. Later today, we will be voting to take up legislation that will make a meaningful and bipartisan contribution to charting a new direction for America's energy policy.

There is a growing consensus among Federal, State, and local policymakers across the ideological spectrum, also from corporate leaders and the American public in general, that our Nation needs to move faster and needs to go farther to secure its energy future.

America's family farmers and businesses look no further than the prices that are posted at the corner gas station to see the vivid and daily indicators of the economic perils inherent in maintaining the status quo. In fact, they have watched as gas prices have stayed at more than \$3 per gallon for well over a month.

Our national security experts cite the geopolitical implications and the foreign policy challenges presented by the rise of State-owned energy companies and by our own growing dependence on oil imports. In 2005, the United States imported roughly 60 percent of the petroleum that we consumed. Without decisive action, that figure is expected to approach 70 percent over the next two decades, with more than 35 percent of that increase expected to come from member nations of OPEC or the Organization of Petroleum Exporting Countries.

Meanwhile, economists take note of our energy policy's fiscal implications as well related to America's global competitiveness. In 2005 and 2006, our dependence on petroleum imports combined with rising prices to add an estimated \$120 billion to our Nation's trade deficit.

There is no doubt there is a compelling case for action, but there is also something more fundamental that is embedded in the American consciousness that is animating the national call for a new direction in our energy policy.

President Franklin Roosevelt once observed:

The creed of our democracy is that liberty is acquired and kept by men and women who are strong and self-reliant.

Perhaps it is this American principle of self-reliance that is driving national debate forward when it comes to energy policy.

After all, by tapping America's limitless capacity for innovation, our most abundant renewable resource, the United States can become more energy self-sufficient. Americans believe we can and should lead the world when it comes to developing the new technologies that will produce clean alternative energy and help us to address the threat of global warming. Inherent in this grand challenge is enormous opportunity—opportunity to build a

stronger economy, to create the high-paying jobs of the 21st century, and the opportunity, of course, to lower our energy costs.

No single political party has a monopoly on these ideas. Rather, these ideas are broadly shared by Members of the Senate on both sides of the political aisle. The shared will to make progress in securing America's energy future is what has brought us to this point today. Later this afternoon, we will vote on a motion to proceed to legislation that represents the bipartisan efforts of four committees in the Senate—the Energy and Natural Resources Committee, the Environment and Public Works Committee, the Commerce Committee, and the Foreign Relations Committee. If we are successful in bringing the measure before the Senate, I believe by the time the debate is concluded, we will also have the recommendations of a fifth committee, the Senate Finance Committee, to add to this legislation.

Suffice it to say there has been a tremendous amount of bipartisan legislative effort on display in bringing this measure forward. Since the outset of the 110th Congress, the Senate has held more than 50 hearings on energy and climate-related issues. That is at least one hearing held every other day that we have been in session. As it relates to what we have been able to accomplish in the Senate Energy Committee, let me at the outset thank Senator DOMENICI, the ranking member on the committee, for the goodwill and the diligence he has demonstrated at every step in this effort.

On the second day of the 110th Congress, we jointly announced an all-day conference related to biofuels policy. This conference drew submissions and suggestions from more than 100 stakeholders. During that all-day session, attended by nearly every member of our committee, we heard from about 30 experts, who gave us suggestions that formed the intellectual basis for the committee's work in the important area of renewable fuels. After that, we held more than 15 energy policy-related hearings, including 8 oversight and legislative sessions, specifically tailored to take testimony on the issues at the core of our legislation. Those issues, in addition to biofuels, were energy efficiency and, second, carbon capture and storage.

As a result of this process, Senator DOMENICI and I were able to circulate a bipartisan proposal to the committee for markup. After a session at which we adopted almost 30 amendments from members on both sides of the dais, the Energy Committee reported legislation with a substantial bipartisan margin of 20 to 3. On the whole, I think what we were able to accomplish in a relatively short period of time is something all members of our committee can be proud of.

As I mentioned, the legislation touches on three key topics related to our energy future. First, it boosts do-

mestic renewable fuel supplies. It does so in a manner that will reduce life cycle greenhouse gas emissions and spur regional diversity of biofuels production and infrastructure.

The second thing the bill that came out of the Energy Committee does is it proposes to enhance economywide energy efficiency in a way that will reduce our Nation's imports of foreign oil and provide significant savings to consumers.

The third item we addressed is that we will invest in the carbon capture and storage technologies that will help us to cut back on the greenhouse gas emissions that contribute to global warming.

I think it would be helpful to describe for my colleagues some of these issues in a little more detail.

First, on the topic of biofuels, there is no question that in recent years many factors have sharpened public focus on the search for viable alternatives to conventional petroleum-based fuels. I have already described many of those factors, including increased world oil prices, concerns regarding import dependence, and the environmental effects of vehicle emissions.

Biofuels, which is a term that includes both ethanol and biodiesel, can be derived from an array of crops and other biological materials that are available throughout our Nation. Since the 1970s, all cars and light trucks with gasoline engines built for the U.S. market have been able to run on ethanol blends of up to 10 percent. That is E10. A smaller yet increasing number of vehicles that is now estimated at about 6 million on American roads today can run on fuel comprised of 85 percent ethanol or E85. Meanwhile, existing diesel engines can run on biodiesel in any concentration. Due to concerns about quality standards, however, manufacturers may not honor warranties for engines running on biodiesel blends in excess of 5 percent, that is B5, or 20 percent, which is B20.

There is little question that passage of the Energy Policy Act of 2005 was a watershed event for the Nation's biofuels industry. Establishing the first Federal renewable fuel standard, the RFS, created an escalating requirement for the amount of biofuels blended in U.S. gasoline, starting with 4 billion gallons in 2006, and accelerating to 7.5 billion gallons in 2012.

However, less than 2 years after that Energy Policy Act was signed by President Bush, increased use of biofuels is already surpassing the original RFS targets, with 5 billion gallons added to U.S. gasoline in 2006. Another 6 billion gallons of production capacity is expected to go into operation by 2009, bringing total domestic production capacity to approximately 11.7 billion gallons. According to the Energy Information Administration's 2007 Annual Energy Outlook:

the market potential for biofuel blends—that is B10, B5, and B20—remains signifi-

cantly larger than the current production levels and will continue to absorb the biofuel supply for the foreseeable future.

Yet as the Energy Committee began developing its legislation, it was obvious significant challenges remained if biofuels are to become a cornerstone of U.S. efforts to improve our energy self-sufficiency. Today, approximately 98 percent of domestic ethanol production is derived from cornstarch, and that creates upward pressure on commodity prices, restricting production to regions of the country where corn is grown, and posing challenges to efficient distribution of the fuel.

Diversifying feedstocks to include a broader array of renewable biomass can promote regional diversity in biofuels production and distribution, spreading economic benefits to rural communities across the country and relieving pressure on corn commodity prices. In addition, it can lead to greater efficiency in the fuel production process and help save on fossil fuel emissions.

Another issue key to making biofuels a significant factor in displacing domestic petroleum use relates to existing infrastructure challenges. Of the nearly 170,000 vehicle fueling stations in the United States, only 1 percent carried E85 or biodiesel in 2006. Consumers must have access to these fuels if they are to become a viable alternative.

To address these various challenges, the Energy Committee's legislation increases and extends the existing RFS to 36 billion gallons in 2022, with specific incentives for the production of biofuels from new sources of renewable biomass. Taken together, these provisions will help provide market certainty to both the existing ethanol industry and to the next generation of advanced biofuels producers.

In addition, our legislation provides resources to help break down infrastructure barriers to renewable fuel distribution, and it invests in research into the basic scientific challenges associated with the use of promising new feedstocks.

Altogether, the Energy Information Administration has estimated the legislation's biofuels provisions can help reduce America's petroleum imports by a million barrels per day, an important contribution to improving our Nation's energy security.

The second major topic of the Energy Committee's reported legislation is energy efficiency. The obvious goal of these provisions is to use existing resources more efficiently, which promises to further enhance U.S. self-sufficiency and provide environmental benefits and, of course, save consumers money.

Improving efficiency in transportation remains one of the most important and vexing energy challenges facing this Nation. Consumption of liquid fuels is currently projected to grow by more than 6 million barrels per day,

from 2005 to 2030, with 5.8 million barrels per day attributable to transportation. So as fuel consumption increases, so too do U.S. imports, a key concern for both the economy and our national security.

The Senate Commerce Committee has reported legislation that will increase corporate average fuel economy standards for the first time in many years, and this legislation is also included in the bill we will vote on later this afternoon. The Commerce Committee's chairman and vice chairman are to be congratulated on finding a way forward on this very difficult issue.

As such, I am pleased to say the provisions reported by the Energy Committee also support the goal of reducing the transportation sector's consumption of liquid fuels in general, and gasoline in particular. Our provisions establish an escalating goal for reducing U.S. gasoline consumption, starting with 20 percent in 2017. That is enough to reduce world oil prices more than \$2.50 per barrel under current EIA assumptions.

This national goal ramps up to 45 percent in 2030, which is the equivalent of 5.6 million barrels of oil per day. That is more than twice the amount of oil the United States imported from the Persian Gulf in 2005.

To complement these initiatives, the legislation also makes investments in advanced vehicle technology development, basic science related to energy storage, and public education about how consumers can help reduce their own petroleum consumption.

In addition to the transportation sector, efficiency is a resource we can better deploy in end uses throughout the U.S. economy. For example, lighting and common household appliances can account for as much as two-thirds of an average American family's electricity bills. By improving a number of appliance efficiency standards and streamlining and strengthening the Department of Energy's existing program, consumers stand to collect \$12 billion in benefits as a result of provisions included in this underlying bill.

In fact, altogether, the bill's appliance efficiency provisions will save at least 50 billion kilowatt hours per year, or enough to power roughly 4.8 million typical U.S. households. It will save 17 trillion Btus of natural gas per year, or enough to heat about a quarter million typical U.S. homes, and it will conserve at least 560 million gallons of water per day, or 1.3 percent of daily potable water usage around this Nation. These savings result from provisions which establish the first ever Federal water conservation standards for clothes washers and dishwashers.

Finally, on the topic of efficiency: The legislation recognizes the Federal Government itself represents the Nation's largest energy consumer and can play a key role in bringing new technologies to market. The Federal Government has an obligation to lead by

example, and in doing so we can save taxpayers money.

For example, even as the Government has reduced its energy consumption, saving 2.5 percent from fiscal year 2004 to fiscal year 2005, Federal energy costs nevertheless increased 24.1 percent or \$14.5 billion. Clearly, rising energy prices have an impact on the Federal budget, just as they have an impact on the budgets for families and on the budgets for businesses across America.

To capture additional savings, this legislation strengthens Federal energy requirements from lighting procurement, to petroleum displacement, to energy management strategies across Federal buildings. As a result, leading efficiency groups have estimated that the legislation's provisions in this area can save 60 trillion Btu's of energy, 15 million metric tons of carbon dioxide, and almost \$4 billion of taxpayer money between now and 2015.

A final issue touched on by the NRC committee's reported legislation relates to carbon capture and storage or carbon sequestration. While scientific and technological challenges remain, carbon sequestration holds particular promise related to the potentially large amounts of carbon dioxide emitted from the use of fossil fuels. Electric generating plants may be the most likely initial candidates for implementing carbon sequestration.

The Energy Policy Act of 2005 directed the Secretary of Energy to carry out research and development on technologies designed to capture carbon dioxide, specifically with respect to combustion-based energy systems. However, given the critical nature of these efforts, the need to demonstrate emerging methodologies, and the potential to apply them to a wider variety of energy technologies, our legislation strengthens and further expands this research.

In summary, I believe the Energy Committee has produced legislation that will help us move forward expeditiously with groundbreaking research on carbon sequestration that is key to addressing global warming, will help spur diverse domestic renewable fuels production, and it will promote energy efficiency throughout our economy.

These efforts, of course, by our committee, have been further complemented by good bipartisan work of the other Senate committees I mentioned. Taken together, these bipartisan measures form the backbone of a national strategy that meet at least three complementary goals: boosting U.S. energy self-sufficiency, driving American leadership in clean alternative energy, and putting us on a trajectory to address the threat of global warming.

I urge my colleagues to vote in favor of the motion to proceed to energy legislation which we will have later this afternoon.

I know my colleague, Senator DOMENICI, wishes to speak, giving his views on the pending legislation.

I yield the floor.

Mrs. BOXER. Parliamentary inquiry before my friend yields: How much time do we have on our side?

The ACTING PRESIDENT pro tempore. There is 8½ minutes remaining on the Democratic side.

Mrs. BOXER. I was hoping to get 5 minutes to speak.

Mr. BINGAMAN. As soon as Senator DOMENICI has concluded his statement, I am glad to yield 5 minutes to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. SALAZAR. Parliamentary inquiry.

Mr. DOMENICI. Mr. President, I believe I have the floor. I will be glad to yield for a question.

Mr. SALAZAR. Mr. President, would it be possible to have my colleagues yield 3½ minutes, following Senator BOXER's statement on our side?

Mr. BINGAMAN. I am glad to yield the remaining 3½ minutes on this side to the Senator from Colorado.

Mr. DOMENICI. Mr. President, might I ask the Senator from California, would she like to speak now and then I will speak after her? I have all my time. I would just as well accommodate you. You are going to speak 5 minutes, and the Senator, would you like to speak 3½, then, and then I will use mine at the end?

Mr. SALAZAR. That would be fine with me.

Mr. DOMENICI. Mr. President, I ask it be ordered that that time be allotted now and the time for the Senator from New Mexico follows that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The time allocation will be as stated.

Mr. DOMENICI. I yield to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized for 5 minutes.

Mrs. BOXER. Mr. President, I am here to say this is a very important moment in the Senate. We are moving toward a change in our Nation's energy policy. Clearly, this day has taken a long time to come.

Obviously, the bills included in the leader's package, Senator REID's package, are not the be-all and end-all of everything we have to do. But it is a significant step forward. As I said the day I was fortunate enough to gain the gavel of the Environment and Public Works Committee—and the Senator who is presiding knows this—as soon as we had the votes we would move forward with good legislation.

I think Senator BINGAMAN has certainly had that same attitude, to begin moving and getting bills to the floor. I was very pleased when Senator REID agreed that we could have a group of bills put together which would be a real confidence builder so the people know we are working.

As Senator BINGAMAN said, we have three committees represented in this

particular piece of legislation. The committees that participated in this, as Senator BINGAMAN said, are the Energy Committee, the Environment and Public Works Committee, and the Commerce Committee. How fortunate am I to sit on two of the three committees. I wish I sat on all three—this is such an important issue—but I am so pleased to be able to sit on both the Environment Committee, of which I am the Chair, and the Commerce Committee.

We all know global warming is a looming problem for us. We all should know at this point. The Environment Committee has held at least 12 hearings on the subject, at which the Presiding Officer was present—I think at almost all of them. We know the Federal Government is lagging behind on global warming; that is, reducing greenhouse gas emissions. We are lagging behind Europe. We are lagging behind the mayors of this country and many States, including my State of California, where there has been a bipartisan move forward on reducing greenhouse gas emissions.

The contribution the Environment Committee has made to this bill is to do that, it is to essentially make the Federal Government a model of energy efficiency and of lessening the carbon footprint we are making.

I am very proud of that. Every single one of the bills that is in this package passed the Environment committee with overwhelming support. Only one had a few against it at the end, but almost all of them were virtually unanimous.

We started off taking a look at Federal Government buildings, and we realized we are way behind the times in terms of the way we use energy. Since our committee has jurisdiction over these buildings, we decided to say that from now on, we are going to make sure we can save money for taxpayers by reducing the energy costs in Federal Government buildings. Not only that, but we set up a very important grant program which will give matching grants to local governments so for their buildings they can have help making them energy efficient.

I do not know if my colleagues are aware of this, but in America 39 percent of global warming emissions are attributed to buildings. If the Federal Government takes the lead and we help all governments make their buildings energy efficient, we are moving forward.

We also passed a very good compromise bill by Senators LAUTENBERG and WARNER on new buildings, the green buildings legislation. We also passed a bill on a Capitol powerplant, kind of a model project to see what we can do from the carbon coming out of that coal-fired plant. We are excited about that. We passed a bill that would make the energy building, the Department of Energy building, a solar building.

Wrapping it up I see my time is up. We are very happy to partake in this

bill. We think we are finally moving forward on global warming in a small but deliberative way to set the stage, by making the Federal Government the leader, in terms of reducing greenhouse gas emissions.

I thank Senator BINGAMAN for the time and I believe Senator SALAZAR is next.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized for 3 minutes.

Mr. SALAZAR. Mr. President, let me, first of all, congratulate Senator BINGAMAN and Senator DOMENICI, the chairman and ranking member of the Energy Committee, for their great work and their leadership. I think the legislation they have brought to the floor today, along with the legislation from the other jurisdictions in the Senate, exemplifies the working relationship we have seen from the Energy Committee over the last 2 years. The 2005 Energy Policy Act could not have been passed without the bipartisan leadership exhibited by Senator BINGAMAN and Senator DOMENICI. For that, I am grateful to be a part of their committee.

Let me say to all our colleagues, we should definitely vote yes on the motion to proceed, as we embark on this journey of looking at energy independence for our Nation. The drivers for energy independence, in my mind, are stark and clear. It is fundamentally one of the very most important issues that face our Nation today. First and foremost, the driver of national security compels us to get rid of the addiction we currently have to foreign oil. When one looks at what is happening in Lebanon and the funding of the Hezbollah organization that continues to create havoc in that part of the world, it is a stark reminder to us that for too long, America has slept while our enemies have fueled themselves with the dollars that come from the very high price of oil from places such as Iraq. Our country today is dependent on us being able to grasp that concept of national security.

That is why in this Senate Chamber you will see it is not only Democrats who are going to be working on this energy legislation but it is Republicans working on this legislation, because the issue of energy independence is not a Democratic agenda or Republican agenda, it is an agenda that is essential to the future security of America.

I am hopeful, as we move forward with this legislation, we will grasp the fact that we are taking some significant steps forward. First, the biofuels increased by moving forward with a renewable fuel standard will mean we will be quintupling the amount of energy we expect we can produce from biofuels. Second, the major initiative with respect to energy efficiency is something we ought to embrace. That is low-hanging fruit for all of us in America as we deal with energy independence. Third, we take major steps with carbon sequestration and move

forward on the debate on global warming, which is essential to our country; and finally, looking at other issues, such as CAFE standards, will help us get down the road. I urge all my colleagues to join us in this historic endeavor as we march forward toward energy independence in our Nation.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, might I first say to Senator BINGAMAN, I enjoyed his remarks and summary of where we are and where we have been. Most of that trip has been together; part of it with you on the majority and part of it me on the majority. In combination, there is some pretty good legislation. People may still say they want more, but when you have a system such as we have in America, you have to have two bodies, the Senate and House, agree. We have debate, they have a Rules Committee. Then you go to conference and, think of it, how those two, the House and Senate, naturally disagree. Right? We have to get all that in agreement before we have a bill that goes to the President. Then he has to sign it.

We are lucky. The very first one we did, the big bill, probably the best piece of legislation in modern times to cause America to produce more energy, what energy we could, and to do it in a manner that was frugal, with reference to environmental damage, was the first one and the President did us a great favor. He came to our State to sign it, as you recall. It was the first major piece of legislation. I think that was great on his part, a very good gesture, because the two Senators were from New Mexico and it was the first big bill and it was one he signed with relish—which means, even as to the executive branch, it was not too far off the mark.

Before I get to my statement, I am going to say there is one thing that did not go right. In your remarks, Senator, you mentioned a couple of times how we in the first bill had promoted technology because it was obvious to everyone that, so long as America lived in a world with cheap oil, the power of those who would invent and would use new technology in the field of energy was minimized when gasoline was 50 cents at the pump, because there was no broad incentive to do something about it.

But about the time we got to our major bill, it was quite clear that we no longer were even major players on the international oil scene. They could almost do with us what they wanted because we were way too dependent. They grew more and more, and that made those who do not like America less and less concerned about the economics of them having a monopoly, so to speak. Toying around with the country that is an open economic society is a big difference. They can really wreak havoc.

But when we did our bill, we put in a provision, a kind of catch-all. I remember working on it, and I remember you

questioning it. Then after a while we agreed, and it was the section that provided for loan guarantees and other incentives for the technologies we mentioned in this bill as being most important for America's future.

You and I remember one of those that happened was nuclear. We even had to work hard on a different kind of incentive for nuclear, and we got it in. It was a new kind of insurance for the first few who built theirs, that they get an insurance policy from the Federal Government so as to permit them to expedite the building of that very complicated, energy-producing nuclear powerplant.

But the administration, because somebody in high places does not like loan guarantees—there are all kinds of loan guarantees in government and in this world. But somehow somebody said: You know, we don't like them. And the Department of Energy does not do them, if you can imagine.

So the Department of Energy has not been doing loan guarantees. Who cares. There are loan guarantees all over the Government. The Department of Agriculture has billions of dollars in loan guarantees. I don't think we are going broke. They are paid back. It is just that the guarantees are given in a manner that permits those who use them to get money where they otherwise would not.

Well, we did not do that yet in that first bill. I think we still—you and I—owe the citizens of our country another push, and maybe we ought to check into it and give one more push to the administration to see how we can enhance the promotion of loan guarantees by the administration because there should be, for all kinds of products that need a lot of money for experimentation, and for many other technologies, there should be a very big pot of loan guarantees. Not \$300, \$400 million, there ought to be more, a few billion, so that they can do the work, draw their money on new ideas, and get on with helping us make that step from a society that was almost totally roped in by oil and gas and nothing else, into a society with a great divergence of energies.

That is the way we are going in the legislation. The bill before us continues that momentum. So I speak today as we prepare to consider energy legislation on the floor of the Senate to provide the proper context of this bill. I think it would be instructive to reflect, as I have just done, upon the recent accomplishments of Congress.

I have already indicated to you about 2 years ago the President signed the Energy Policy Act of 2004. Senator BINGAMAN from my home State, this sweeping law was the most comprehensive energy policy enacted in decades.

I have watched with pride—and this has not been mentioned enough because it is hard to do. But I have watched with pride that in just 2 years, this long-term policy has already begun to show great positive impact in

the short term. The Energy Policy Act is brightening our Nation's nuclear renaissance. Already over 30 nuclear powerplants are in the works. Imagine that. We went more than two decades without a single one applying, and we have now over 30, with a number of them way up near the top of the clearance scale where we will be seeing them cleared for the beginning of construction soon.

I am sure many of us will go to that and say it is high time, and we were pleased to be part of it. Now, if operational, these plants will provide enough electricity for nearly 30 million American homes, while displacing about 270 metric tons of carbon dioxide each year.

Just think of that. Think of how much we would have to do to displace that much carbon dioxide if it was produced, and we had to get rid of it after it was produced, in a coal-burning powerplant or some other plant in the process of ignition-produced CO<sub>2</sub>.

This is safe, clean, affordable, and reliable large-scale energy for our Nation. That is why earlier this year the Nuclear Regulatory Commission approved two early site permits for new reactors in Illinois and Mississippi.

As we try to reduce our dependence on foreign energy and address the issue of the global climate change, it becomes imperative for our energy and environmental security that we keep the momentum going on nuclear energy in this country.

On coal technologies, clean coal technologies, the policies set forth in the Energy bill of 2005 have resulted in bringing 159 new coal-based facilities to various planning stages. Over the next 5 years, the United States will add an estimated 60,000 miners to the American workforce. Just think of that, Mr. President. Everybody has been wondering if we are going to have enough jobs, enough jobs for our people, because they are looking at the economy of yesteryear, not of tomorrow.

Coal miners, instead of being out of work, we will be looking for people to join the corps of coal miners in this country as we produce more coal because we are going to learn how to use it clean in our country as we seek to avoid this total dependence upon crude oil and natural gas.

This past week, the Departments of Treasury and Energy together announced new instructions for applying tax credits for advanced coal and gasification projects. In total, three Energy bill tax credits will provide over \$1.5 billion to help advance energy projects and capture and sequester carbon dioxide. These are already being done and the credits have been given under the laws which were written in this thoughtful process of developing legislation over the past 2 years.

This bill also put in place mechanisms to ensure a secure, reliable electricity grid for our Nation, and helped transform our agricultural bill into an

Energy bill—we already know that—providing rural America literally thousands of jobs and billions in new capital investment dollars to help bring clean fuel to our Nation's gas tanks.

In the area of biofuels, the 2005 bill created a solid foundation for these significant policies set forth in the bill, as we will consider this shortly on the Senate floor. As a result of the Energy bill of 2005, we revitalized a renewable fuel industry in America through the first ever renewable fuel standard and production tax credit. We all wondered when that would come. It is done.

There are now 114 biorefineries nationwide, with the capacity to produce 5.5 billion gallons of ethanol a year. That is all because of the act that we passed in 2005 that we keep referring to that we worked here in this body, on a bipartisan basis, and then went to the House the same way, and then had the President join us with great joy in signing it in our State.

Additionally, ethanol refinery construction and expansion currently in the works has enough combined capacity to have an additional 6 billion gallons of ethanol. The biofuels policy included in the Energy Policy Act of 2005 has helped create approximately 10,000 American jobs across many sectors of our Nation's economy. I think sometimes we wonder why the economy did so well. Maybe we should look around and say maybe the money spent on energy facilities across this land, because of this act, had something to do with keeping the employment up and keeping the growth up. I am not sure of that, but I just throw it out.

Indeed, that act of 2005 could have been called a jobs act, could have been called a jobs-producing act, a diversification act, providing jobs that were never there before. Ethanol production and demand are setting records in America as we seek renewable fuel to power our cars that we drive.

The bill reported out of the Energy and Natural Resources Committee this year, with a strong bipartisan vote, we responded to that call for sustainability and to provide a path for the emergence of cellulosic ethanol. That is what we are here to work on today.

That will mean we will be able to produce much more cellulosic ethanol, which will do the same thing as ethanol except it will make us able to produce far more since we can add the cellulosic to the ethanol that comes from corn, and what a machine we will have to produce gasoline for our cars.

In the 2005 Energy bill, we addressed almost every conceivable area of energy policy—from coal to nuclear to electricity transmission, to oil and gas, hydrogen to biofuels. We did this with a majority of both parties in the Senate, embracing this forward-thinking policy for America.

This wasn't even a close vote. In each case it was substantially more than 60 votes, a bipartisan vote, almost equal from each side on each of the important bills. There have been two already. This one will be the third.

Simply put, the Energy Policy Act of 2005 has already helped to strengthen our energy security and to grow our Nation's economy. More importantly, if implemented effectively, the larger impacts of this great bipartisan legislation will be felt for decades in this country.

As we prepare to debate on the floor of the Senate today, we are going to consider a bill smaller in scope and less bold in its version. Nevertheless, this bill represents bipartisan work spanning four committees of the Senate. There are a lot of good policies in this bill. However, I believe there must be a full and fair debate on this bill and a complete amendment process to ensure that the work we will do in the Senate and for the American people on energy policy will be complete. Anything short of that will be a departure from the example of the 2005 act.

The bill we expect to soon consider provides for a biofuels mandate with the potential to displace 20 percent of the growth in gasoline that we use in this country by 2020. This addition of 36 billion gallons of biofuels a year will see the majority of its content come from cellulosic ethanol, a sharp and important move away from corn-based ethanol in our fuel mix.

We consider this an energy-efficient measure that if properly implemented has the potential to provide important efficiencies in vehicles, buildings, homes, and businesses to save the American consumer more than \$12 billion annually. This is one part of our energy policy that goes unnoticed, the one I have just described, important efficiencies. And I do say to our majority, who was my minority member when we started, that he has led the effort in this part of the changes in the energy policy, those that would make us more efficient.

He described today in his speech how much efficiency will come just from washing machines and dishwashers. I am not ashamed to talk on the floor about dishwashers. Some people say we shouldn't talk about dishwashers. Why shouldn't we, when it saves a huge amount of energy? I remember when I got a dishwasher. I got a laundry board as a gift from a constituent because I had helped with REA that went up the mountain and took electricity up there. So she came down to me at the foot of the mountain and said: Here is your washboard. I don't need it anymore; I got electricity. I just bought a washing machine. I am thanking you by giving you the washboard. She didn't have efficiency; that was all brawn, right?

Anyway, this bill will save us a lot of energy on those two items that we need and use to make our lives better.

On fuel economy, the Senate stands poised to address vehicle fuel efficiency. One way to help reduce our dependency is by reforming our CAFE standards for the vehicles we drive. Everybody should know the Commerce Committee did that and, by act of our

leader and the floor procedures, that is on this bill. So if people want to do something about CAFE, it is pending. Once this bill is made pending, it is the subject matter before the Senate, the CAFE standards, which will compel automobile companies to do better than they have in terms of miles per gallon. We have never gone as far as the Commerce Committee did, so it ought to make for a few hot speeches here on the floor. I don't know when they will come, but sooner or later they will because the CAFE standards for vehicles we drive will be changed.

I have only one page remaining. I don't need to use all my time, especially when some Senators have had to wait. I will close by saying to Senators who are not paying attention and to staffs watching for their Senators, we are not going to be on this bill very much longer today. If you want to come down and speak, I have a little bit of time. I can give you some. But I think we are going to start yielding to other Senators, I assume, and move on. I haven't talked to Senator BINGAMAN on that.

How much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 9 minutes remaining.

Mr. DOMENICI. I reserve that time and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The clerk will continue the call of the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. I yield back the remainder of my time. I say to the Senator from New York, I was just trying to find out if there were more people on my side.

Mr. DORGAN. Mr. President, in the coming weeks the Senate will debate our national energy policy. An important part of that debate will involve tax and other incentives to encourage development of our abundant domestic energy resources. This debate will affect the lives of every American.

During that debate we must find a way to encourage greater use of renewable energy sources, advanced clean coal technologies in the generation of electricity, and accelerate efforts to move that clean energy to markets by building large transmission projects. Furthermore, we need to find alter-

native ways to produce energy, such as through fuel cells and other distributed generation.

For too many years, Congress has sent mixed messages about the importance of energy independence, security, diversity, and reliability, especially in the area of renewable and distributed energy and the opportunity for using advanced clean coal technology. The Congress has lacked the commitment, or perhaps understanding, about the major role that renewable energy and clean coal can play in helping our Nation meet its future electricity demands without seriously impacting the environment.

This is despite the fact that policymakers have been told repeatedly by energy developers that certainty about the availability of incentives is absolutely essential before they can commit the capital needed to move forward on a major energy project. Yet Congress has passed energy incentives that, in many cases, are available for as a little as one year or two.

In my judgment, the hood ornament for this start-and-stop, boom-and-bust energy policy is the tax credit for facilities that produce electricity from wind and other renewable resources. This credit has been extended for short periods five times, and shamefully has been allowed to expire three times, since it was enacted in 1992. The Tax Code is replete with other energy tax incentives that Congress made available for just a year or two, and that will expire before their full benefit can be realized.

It is imperative that we provide a clear signal to the marketplace that we are committed to the development of renewable sources of energy and advanced clean coal technologies. That is why I introduced the Clean Energy Production Tax Incentives Act to make these incentives available for 10 years.

The vast majority of energy facilities and infrastructure are owned, developed, and operated by the private sector. We must work closely with industry and other stakeholders to provide incentives so that these steps can be taken. For example, I am very supportive of a whole range of clean energy technologies and resources. North Dakota epitomizes that with its coal, oil, gas, wind and other renewable resources. We can and must utilize them now and into the future. If we want secure, clean, and reliable energy resources in the future, we must work with the private sector to help achieve our goals. This bill has the support of National Rural Electric Cooperative Association, the North Dakota Association of Rural Electric Cooperatives, Xcel Energy, Basin Electric Power Cooperative, the American Wind Energy Association, and Otter Tail Power Company.

I also believe we must advance our energy interests in a fiscally responsible manner. The costs of the clean energy tax incentive investments in this legislation would be offset by closing



down tax loopholes that allow profitable U.S. multinational companies to avoid paying their fair share.

Over the years, I have heard a few clear messages from the investment community, Federal and State regulators, energy industry, and environmental and local community interests. It must be clean so that we are incentivizing an environmentally sustainable energy option. We need to send the right market signals with duration, with a sustained commitment, and with certainty so that the best investment decisions are made.

I believe this legislation is an important step in that direction.

**EXPRESSING THE SENSE OF THE SENATE THAT ATTORNEY GENERAL ALBERTO GONZALES NO LONGER HOLDS THE CONFIDENCE OF THE SENATE AND OF THE AMERICAN PEOPLE—MOTION TO PROCEED**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume debate on the motion to proceed to S.J. Res. 14, which the clerk will report.

The assistant legislative clerk read as follows:

A motion to proceed to the consideration of S.J. Res. 14, expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

The ACTING PRESIDENT pro tempore. Under the previous order, the Republican leader shall control the time from 5 to 5:20, and the majority leader shall control the time from 5:20 to 5:30.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, parliamentary inquiry: The Republican leader controls the time from 5:10 to 5:20, as I understand?

The ACTING PRESIDENT pro tempore. Under the previous order, it is from 5 to 5:20.

Mr. SCHUMER. I ask unanimous consent that those of us in favor of this resolution be given a half hour to debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. SCHUMER. Mr. President, I understand there is a misunderstanding. They weren't supposed to start until 5:10, but the order says 5 o'clock, which would only give us 10 minutes to debate this motion.

Let me begin and not waste any further time. I rise in support of the motion to proceed to a vote of no confidence on Attorney General Alberto Gonzales. It is a fair measure. I know it is one with few precedents, but it is called for today because the dire situation at the Department of Justice is also without precedent. The level of disarray and dysfunction, the crisis of credibility, and the failure of leader-

ship are all without precedent. It is a simple measure we have before us. Let me read it.

It is the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

Are there any Members here who don't agree with that sentiment? If so, I haven't heard them. Senators are not a shy lot. Their silence on this point is deafening. So if Senators cast their votes with their conscience, they would speak with near unanimity that there is no confidence in the Attorney General. Their united voice would undoubtedly dislodge the Attorney General from a post he should no longer hold. But we may not have a unanimous vote here today, I am told. That is a puzzle because no matter what standard one applies, no matter what criteria one uses, the Attorney General cannot enjoy the confidence of the Senate. He certainly doesn't of the American people.

The bill of particulars against the Attorney General is staggering. On the question of the Attorney General's credibility, the record speaks for itself. Repeatedly, the Attorney General has misled the Congress, misled the American people, and given incredible explanations for the U.S. attorney firings. The Attorney General's comments have been a series of shifting reactions and restatements. Is this confidence-inspiring conduct from the Nation's chief law enforcement officer?

We learned that Attorney General Gonzales was personally involved in the firing plan after being told he wasn't. We learned that the White House was involved after being told it wasn't. We learned that Karl Rove was involved after being told he wasn't. We learned that political considerations were paramount after being told they weren't. Then, when the Attorney General finally had the opportunity to set the record straight on April 19, 2007, what did he do? More than 70 times he answered "I don't know" when asked the most basic questions about how he came to fire 10 percent of the Nation's U.S. attorneys. The Attorney General admitted he didn't know the reasons why several U.S. attorneys were fired but insisted in the very next breath that he knew they were not fired for improper reasons. Does that inspire confidence? One of our most mild-mannered Members, Senator PRYOR, believes he was lied to directly by the Attorney General, and he has good reason to think so.

Time after time, the Attorney General has shown he doesn't have the credibility to lead the Department. This is not a liberal or conservative assessment. This is not a Democratic or Republican assessment. It is a universal one. Listen to the words of the conservative *National Review* magazine, which wrote on March 28:

What little credibility Gonzales had is gone . . . Alberto Gonzales should resign. The Justice Department needs a fresh start.

That is on credibility.

On the Attorney General's lack of commitment to independence and the rule of law, the record is also disturbingly clear. The Attorney General has long shown that he misperceives his role. He forgets that he is the people's lawyer, not just the President's. If one needs a single image to symbolize the Attorney General's contempt for the rule of law, it is that of Alberto Gonzales bending over John Ashcroft's sickbed on the night of March 10, 2004. It is the picture of then-White House Counsel Gonzales trying to take advantage of a very ill man who didn't even have the powers of the Attorney General to approve a program that the Department of Justice could not certify was legal.

That example, unfortunately, has plenty of company. Consider the image of Attorney General Gonzales in March of this year making Mrs. Goodling feel "uncomfortable"—her word—by going through the sequence of events related to the U.S. attorney firings. How often do people comfort someone by reviewing their recollection of events that are subject to congressional investigation? Add to those examples the documented violations with respect to national security letters and other admitted abuses in connection with the PATRIOT Act. How can such leadership inspire confidence?

Rule of law in the Gonzales regime, sadly, has apparently been an afterthought rather than a bedrock principle. Again, there is no liberal or conservative or Democratic or Republican position on the Attorney General's lack of independence and commitment to rule of law; it is virtually unanimous. Consider the words of the conservative group the American Freedom Agenda:

Attorney General Gonzales has proven an unsuitable steward of the law and should resign for the good of the country.

On the question of whether the Department has been improperly politicized, the record is again clear.

Attorney General Gonzales has presided over perhaps the most politicized Department in history. We have learned that under Alberto Gonzales, being a "loyal Bushie" was more important than being a consummate professional. We have learned that U.S. attorneys who were performing their duties admirably were apparently dismissed because of unfounded allegations by political figures, allegations that were never investigated or never proven. We have learned that an unprecedented voter fraud case was brought in Missouri on the eve of an election in clear violation of the Department's own policy. We have learned that deep suspicions about improper politicizing even at the entry level of the professional ranks were correct. We have learned from the Attorney General's own former senior counselor Monica Goodling that she